6882395/2023/VIG-I-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR and RD Department – Allegations of irregularities in execution of road works in Savarakota Mandal, Srikakulam District – Charges against Sri V. Sarat Kumar, Executive Engineer, PRI Division, Srikakulam (now Retired) – Held proved in the Regular Enquiry – Representation –Imposition of a penalty of 6% cut in pension for a period of two (2) years under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.13 **Dated:13.01.2023.**

Read the following:

1. From the DG, GA (V&E) Department, Vigilance Report No. 97 (C.No. 1186/V&E/E/2016), dated: 29.09.2017.
2. G.O.Ms.No.240, PR&RD (Vig.I) Department, Dt: 21.12.2018.
3. G.O.Rt.No.1393, PR&RD (Vig.I) Department, Dt: 21.12.2018.
4. From ENC, PR, AP, Vijayawada, Letter No. Vig. I(1).4244/18, dated: 30.01.2019.
5. G.O.Rt.No.479, PR&RD (Vig.I) Department, Dt: 05.08.2019.
6. G.O.Rt.No.480, PR&RD (Vig. I) Department, Dt:-05.08.2019.
7. From Sri J. Sathyanarayana, IPS (Retd.), Commissioner of Inquiries, G.A.(COI) Department and Inquiring Authority, D.O. Letter NO. 134/COI-JS/2019, dt: 12.08.2020.
8. Govt. Memo No. 11786/Vig. I/2017, PR&RD (Vigt. I) Dept., Dt: 02.12.2020.
9. From Sri V. Sarat Kumar, E.E (PR) (Retired), representation dt: 24.12.2020.
10. From the ENC,PR, Letter NO. Vig. I(1)/4244/2018, dated: 19.07.2021.
11. Govt. Memo No. 11786/Vig. I/2017, PR&RD (Vigt. I) Dept., Dt: 09.12.2021.
12. From Sri V. Sarat Kumar, Executive Engineer (PR) (Retired) , representation dated: 03.01.2022.
13. Govt. Letter NO. 11786/ Vig. I/2017-6, PR&RD (Vig.I) Department, dt: 22.03.2022.
14. From the Secretary, A.P. Public Service Commission, Vijayawada, Letter File NO. GAD03-APPSODCC/ 15/2022-DC SEC- APPSC, Computer No. 1733898, dated: 16.09.2022.

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ORDER :

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegations of irregularities in execution of road works under

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MGNREGS in Savarakota Mandal, Srikakulam District, Government in the reference 2nd read above have accorded sanction under Rule 9 (2)(b) of A.P. Revised Pension Rules, 1980 to initiate disciplinary action against Sri V. Sarat Kumar, former Executive Engineer, PRI Division, Srikakulam (retired on 31.07.2018). Accordingly, vide reference 3rd read above, Government have framed the following article of charge against the individual under rule 20 of A.P.C.S (CC&A) Rules, 1991 with a direction to submit his written statement of defence.

Charge:

That Sri V.Sarat Kumar, EE, PRI, Srikakulam District, now retired, has misused his official position and committed irregularities and misappropriation of MGNREGS funds in execution of road works in Savarakota (M) in as much as he has (i) made payment for the provisions recorded without check measurements, (ii)made payment without proper scrutiny of NMR sheets, (iii) made payment for excess quantity materials for spreading GSB layer than the collected quantity and (iv) allowed the Mandal Engineering Officer, Narasannapeta to execute the work located at Saravakota i.e. in others jurisdiction, without any orders from higher authority and caused a loss to the Government to a tune of Rs.10,47,775/-.

2. In the reference 4th read above, the Engineer-in-Chief, PR among others, has furnished the written statement of defence dt:21.01.2019 of the Charged Officer. As the same is not satisfactory, Government have decided to conduct regular inquiry into the matter. Accordingly, in the reference 5th read above, Government have entrusted the case to Commissioner of Inquiries and appointed Sri J. Sathyanarayana, IPS (Retd.), C.O.I, G.A (COI) Department as the Inquiring Authority to inquire into the charge framed against charged officer Sri V. Sarat Kumar, Executive Engineer, PR (Retired) and also other eight (8) co-charged officers involved in the case.

3. In the reference 7th read above, the Inquiring Authority has furnished inquiry report dt: 12.08.2020 along with his findings on each charged officer. In the findings the Inquiring Authority, among others, has held that the charges on the above counts framed against the Charged Officer Sri V. Sarat Kumar, Executive Engineer, PR (Retired) are held proved.

4. In the reference 8th read above, Government, among others, have communicated the copy of the Inquiry report to the charged officer for submitting his representation, if any on the findings of the Inquiry Authority.

5. In the reference 9th read above, the charged officer Sri V. Sarat Kumar, Executive Engineer (PR) (Retired)has submitted representation duly stating that he deny the findings of I.A on each of the count of the charge. With regard to findings of I.A on count (i) of the charge is proved viz, 'made payments without check

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measurements'; the C.O has stated that finished item of GSB was not recorded in the M.Book and there was no opportunity for him to check the fixed measurements as the item of consolidation of GSB was not executed and recorded. With regard to findings of I.A on count (ii) of charge proved viz.,' made payment without scrutiny of NMR sheets'; the C.O has stated that verification of all wage bills for the work turned out by the NMR is not possible for the E.E (by him) due to heavy work load. With regard to findings of I.A on count (iii) of charge proved viz, 'made payments for excess quantity of material for spreading GSB layer than the collected quantity', the C.O has stated that spreading was recorded as per actual measurements on the field and the difference is only Rs.508/- only ie. meagre. With regard to findings of I.A on the count (iv) of charge proved viz,. 'allowed the MEO, Narasannapeta to execute the work in others jurisdiction'; the C.O has stated that being the sub divisional officer, the Dy. Executive Engineer redistributed the works and the redistribution done by the Deputy Executive Engineer was deemed to have been agreed to by him. The Charged Officer has requested to re-consider the findings of I.A and exonerate him from the charge since he was retired from service and his pensionary benefits are pending.

6. In the reference 10th read above, the ENC,PR has furnished report of the Superintending Engineer, PR, Srikakulam regarding proposed recovery of Rs.10,47,775/- towards recovery in eight works in Gummanapadu Gram Panchayat of Sarvakota Mandal, Narsannapeta Constituency of Srikakulam Distrcit along with pass orders made in the connected M.Books to the Government for taking necessary action in the matter.

7. Government have examined the representation of the charged officer Sri V. Sarat Kumar, Executive Engineer (Retired) and observe that the contentions of the charged officer made in his present representation dt: 24.12.2020 is similar to that of his earlier written statement of defence dt: 21.01.2019 submitted by him, which was considered and rejected earlier. Further, the very objective of the Panchayat Raj Engineering Department is that the Engineering works that are being executed in Gram Panchayts ie,. either through Contractors or through any other agencies viz,.Sarpanches etc,. shall be executed strictly in accordance with norms, work estimates and technical specifications without any deviation. It is the primary task of the PR. Engg. Personnel to ensure the maintenance of quality in execution of works. When the works are executed under the administrative control of the PR Engg. Personnel, then they are only responsible for inferior quality of execution and the lapses regarding inferior quality of works executed could not be simply thrown on executive agencies viz., Contractors, Sarpanches etc., The proposed recovery by the V&E was made good subsequently and this shows that there was substandard execution carried out.

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As such, the charged officer being the supervisory authority, is responsible for substandard execution. Hence, his representation to drop further action is devoid of merits since he is not absolved from the charge.

8. Accordingly, Government after careful examination of the matter, have taken a provisional decision to impose a penalty of 6% cut in pension for a period of two (2) years against the charged officer Sri V. Sarat Kumar, Executive Engineer, PRI Division, Srikakulam (now Retired) under Rule 9 of A.P. Revised Pension Rules 1980. The above provisional decision has been communicated to the Charged Officer with a direction to submit his representation, vide reference 11th read above.

9. In the reference 12th read above, the Charged Officer, Sri V. Sarat Kumar, Executive Engineer, PRI Division, Srikakulam (now Retired) has submitted his representation duly stating that he discharged his duties properly. But the Inquiry Authority did not relish his defence. He was retired from service and his pensionary benefits are pending. He has no option except to bow his head before the disciplinary authority and requested the Government to conclude the action so as to receive his pension benefits at an early date.

10. Government after examination of the matter, have taken decision to proceed further with the above proposed penalty as the charged officer has not adduced any new/valid grounds in his present representation. Accordingly addressed the A.P. Public Service Commission for their concurrence on the above proposed penalty, vide references 13th read above.

11. In the reference 14th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

12. Accordingly, Government after careful examination of the matter, hereby impose the penalty of 6% cut in pension for a period of (2) years against Sri V. Sarat Kumar, Executive Engineer, PRI Division, Srikakulam (now Retired) under Rule 9 of A.P. Revised Pension Rules, 1980 in the matter.

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13. The Engineer-in-Chef, Panchayat Raj, A.P, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY JAIN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri V. Sarat Kumar, Executive Engineer, PRI Division, Srikakulam (now Retired)
through the Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada (with a request to serve the order on the individual and furnish the served copy)

Copy to:
The Secretary to Vigilance Commission, Andhra Pradesh Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission, Vijayawada.
The Accountant General, A.P, Vijayawada
The OSD to Hon'ble Dy. C.M for PR&RD.,
The PS to Prl. Secy. to Govt, PR&RD. Dept,
The PR&RD (Estt. I) Department.
SF/SC.

//Forwarded :: By Order //

SECTION OFFICER